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			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/550,354	WEBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yogesh C. Garg	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 8/30/05 & 5/4/05.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5-9,11-19,22-33,35-55 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. The examiner acknowledges the applicant's response and Amendment received on 8/30/2005 traversing the examiner's withdrawal of claims 1-3, 5-9, 11-19, 22-33,35-55 filed on 5/4/2005 as they were found subject to " Election by Original Presentation". Claim 1 is amended. Currently claims 1-3, 5-9, 11-19, 22-33,35-55 are pending for examination.

### ***Response to Arguments***

2.1. Applicant's arguments filed on 8/30/2004 regarding withdrawal of claims 1-3, 5-9, 11-19, 22-33,35-55 filed on 5/4/2005 as they were found subject to " Election by Original Presentation", have been fully considered and found persuasive that the applicant has tried to narrow down the claims by amending the term " one or more vendors" to " two or more vendors" and therefore the office advice for withdrawal of claims 1-3, 5-9, 11-19, 22-33,35-55 filed on 5/4/2005 is withdrawn. However, the applicant's argument, see Remarks, page 16, " Looked at another way, a claim.....a dependent claim that is narrower than the " one or more " claim." Is not persuasive because it can create 112, 2<sup>nd</sup> paragraph rejection because the dependent claim containing limitation " two or more vendors" will be inconsistent with the limitation of " one or more vendors" in claim 1 on which the dependent claim will be based. By excluding the possibility of one vendor in the dependent claim the independent claim, which includes the possibility of just having one vendor will result in a inconsistency and indefiniteness.

2.2. Applicant's arguments with respect to all the claims pending for examination, filed on 5/4/2005 and 8/30/2005 have been considered but are moot in view of the new ground(s) of rejection, necessitated due to the amendments made to claims that is changing the term from "one or more vendors" to " two or more vendors".

2.3. Applicant's arguments, filed on 5/4/2005, regarding rejection of claim 1, using Official Notice in the previous Office action are directed to the referenced prior art of Rosen for not teaching the amended term from "one or more vendors" to "two or more vendors", and not to the Official Notice taken by the examiner that it is a notoriously well-known fact in the businesses of selling, buying and trading of selecting a vendor/sub-contractor from the plurality of vendors available to produce/supply the desired merchandise personalized product. In view of the fact that the applicant has neither traversed the facts and benefits of the Official Notice, taken by the examiner, adequately nor asked for a documentary evidence, see *MPEP-2144.03 [R-1] C Reliance on Common Knowledge in the Art or "Well Known" Prior Art* -, the common knowledge or well-known fact considered as Official Notice in the art statement is taken to be admitted prior art.

Similarly, the applicant has neither traversed the facts and benefits of the Official Notice, taken by the examiner in rejecting claims 14, 44 and 54, adequately nor asked for a documentary evidence, see *MPEP-2144.03 [R-1] C Reliance on Common Knowledge in the Art or "Well Known" Prior Art* -, the common knowledge or well-known facts considered as Official Notice in the art statement for rejecting claims 14, 44 and 54 are taken to be admitted prior art.

This is a Final rejection

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.1. Claims 1-3, 5-6, 9, 11-13, 15-17, 22-24, 26, 33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen in view of Dworkin (US Patent 4,992,940), in view of Lahey, in view of Official Notice and further in view of Meltzer et al. (US Patent 6,125,391), hereinafter referred to as Meltzer.

**Regarding claim 1,** Rosen teaches a method for facilitating the creation of personalized products, for use in a system where a user on a user computer can access at least one host merchant computer via a communication network, the host merchant computer including a web server in communication with a products database containing information on products available for personalization and further containing manufacturing capabilities of a plurality of vendors capable of producing the products available for personalization (**see at least abstract, Fig.2, Fig.3, col.3, line 64-col.4, line 3 which show that the products to be personalized can be any product such as, soda bottles, t-shirts, cups, bill boards, etc.**), the method comprising:

providing to the user via said communication network at least one web page providing an assortment of product selections for products in the products database, each product available in the database being associated with manufacturing capabilities of one or more vendors capable of producing the product (see at least FIG.9B which shows a web page providing an assortment of product selections, such as, different types of flavors, col.5, lines 19-27, col.10, lines 7-18, “....The order specification WWW page 190 includes a WWW form for selecting the quantity and type of customized branded merchandize to be ordered.....may select the type [e.g. orange, strawberry. Note: As analyzed above “product selections with different manufacturing capabilities associated with each product” corresponds to

personalize/customize the products and which Rosen already teaches as discussed above ]) “ available in said products database (see FIG.3, “Product Database 98”. As regards each product being associated with different manufacturing capabilities of one or more vendors capable of producing the product see col.3, line 64-col.4, line 3, “ *Those skilled in the art should appreciate that although laser printer 46 comprises a color laser printer in the illustrative embodiment, other types of printers may be used. For instance, special purpose printers may be used to create customized products such as t-shirts, cups, billboards, etc.* “. Note: In order to create customized products other than soda bottle, such as t-shirts, cups and billboards represent products and their capabilities of one or more vendors because one vendor may be suitable for supplying t-shirts, another for cups and still another for billboards, and so on);

Rosen does not expressly teach that for the same product two or more vendors are capable of producing the product. However, in the same filed of endeavor that is custom selecting a product in an automated electronic commerce system, Dworkin discloses a products database where one or more products are available and associated with manufacturing capabilities of two or more vendors capable of producing the product, see at least Figs 6 & 7, col.5, lines 25-27, col.6, lines 16-col.8, line 15, which disclose that for a product, such as printer [printer is a mere example and instead of a printer the system is applicable for any other product another product to be purchased by a potential customer as per his personal choice from the plurality of products available from two or more vendors] the product database includes two or more vendors having manufacturing capabilities to produce a printer. In view of Dworkin, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen to include the feature such that a products database includes information about one or more products and which are associated with manufacturing capabilities of two or more vendors capable of producing the product, Doing so would enable the users/buyers in Rosen to

have more choices and enable them to custom select as per individual preferences the desired product, such as different brands of soda bottles being manufacturer by different manufacturers with different flavors from the available plurality of choices, as shown in Dworkin with the example of selecting a printer.

Rosen in view of Dworkin further teaches :

receiving a message from the user via said communication network indicating a selection of a product from said assortment of product selection, the selected product being associated with manufacturing capabilities of two or more vendors capable of producing the product (see at least Rosen col.10, lines 7-18, “....The order specification WWW page 190 includes a WWW form for selecting the quantity and type of customized branded merchandize to be ordered... According to an actual embodiment of the present invention, the consumer may select the type [e.g. orange, strawberry].....”. As regards the limitation, the selected product being associated with manufacturing capabilities of two or more vendors capable of producing the product, it is already covered above. );

retrieving a set of manufacturing capabilities for the selected product from the product database, the set of manufacturing capabilities including manufacturing capabilities of two or more vendors from the plurality of vendors capable of producing the selected product (see at least Rosen FIGs. 8A & 9A, “The measurements shown are the minimum requirements for your artwork to get a quality label”, FIG.8B, “....You have about 50 characters space”, and “You have as much room as the text shows below. Anything longer will get chopped off after 65 words”, col.9, lines 49-55, “.. the consumer may be required to provide a graphic image not exceeding a predetermined size .....”. Note: The display of size restrictions for the image and the space restrictions for the amount of text to be input correspond to retrieving and showing the

manufacturing capabilities which restrict the products to be personalized. As regards manufacturing capabilities from a plurality of vendors, is already analyzed above. );

providing to the user via said communication network a design interface, said design interface comprising at least one web page including at least one design tool that allows the user to select configuration options and to create individualized enhancements, and wherein said design tool is conformed to only allow configuration options and enhancements which satisfy the manufacturing capabilities of at least one vendor of the two or more vendors that are capable of producing the selected product and creating at least one set of individualized enhancement for said selected product; (see at least Rosen FIG.9C and col.10, lines 10-47, “...*Referring now to FIG. 9C...a JAVA applet for image manipulation may be transmitted from WWW server 34 to client computer 32 for execution within WWW browser 118.....an applet for cropping the graphic image 194 is provided....to crop the image to a suitable size....A selection tool 196 is also provided to allow the consumer to select a portion of the graphic image 194.....*”). Note: The WWW page 190 allows the user to select product flavors which correspond to a tool selecting product configuration options and the JAVA applet for image manipulation corresponds to the design tool to select graphic image, manipulate/configure the images as per his personal choices. As regards manufacturing capabilities from a plurality of vendors that are capable of producing the selected product, is already analyzed above. ); and

receiving from the user via said design interface a set of design configuration selections and a set of individualized enhancements for said selected product (see at least Rosen col.10, lines 43-47, “ Once the consumer has completed the manipulation.....selected the quantity and type of customized branded merchandise to be ordered , the WWW server 34 may provide a checkout page 200.....”).

Rosen in view of Dworkin does not teach that said design interface presents to the user a default set of product configuration options and a default set of enhancements.

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Lahey, in the same field of endeavor, i.e. customization of print jobs, teaches that design interface presents to the user a default set of product configuration options and a default set of enhancements (see at least col.15, lines 47-53, "...The user may customize the search dialog boxes 190,202 with the default option....." col.11, lines 61-65).

In view of Lahey, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rosen in view of Dworkin to include the feature such that design interface presents to the user a default set of product configuration options and a default set of enhancements. Doing so would enable the users/buyers to display the default features of the personalized design components/enhancements when he accesses the host merchant site again to order additional quantity and would not have to go through the process of custom designing and enhancing the product from the very beginning. Then the user can repeat the same product or modify specific features only which he wants new in the second product.

Rosen does not teach selecting a vendor from the two or more vendors being capable of producing the selected product personalized with the set of design configuration selections and the set of individualized enhancements. However, Dworkin discloses the notoriously well-known fact in the businesses of selling, buying and trading of selecting a vendor/sub-contractor from the plurality of vendors available to produce/supply the desired merchandise (see at least Fig.7, and col.7, line 23-col.8, line 15). Rosen discloses that customized products other than soda bottles, such as t-shirts, cups and bill boards can be created (see at least col.3, line 64-col.4, line 3) and analyzed above. Rosen also teaches that his invention is directed to creating a customized branded merchandise by personalizing with a custom graphic image and text to be labeled on the desired merchandise (see col.1, lines 49-63). Further in view of Dworkin, it would be unquestionably obvious in Rosen in view of Dworkin that after the buyer has finalized the customization of the branded merchandise the ordered merchandise is to be manufactured and

in order to do so a vendor will be selected from the available plurality of vendors for supplying items (t-shirts, cups, soda flavors, billboards) the vendor who can manufacturer/supply this item as per the desired preferences of the buyer .

Rosen does not disclose converting the set of design configuration selection and the set of individualized enhancements for said selected product into a file having a format compatible with the needs of the selected vendor and communicating the file to the selected vendor. However, in the same field of conducting electronic commerce among businesses, customers, suppliers and trading partners, Meltzer discloses converting the set of design configuration selection and the set of individualized enhancements for said selected product into a file having a format compatible with the needs of the selected vendor and communicating the file to the selected vendor (see at least abstract and col. 2, lines 32-54, “ *The present invention offers an infrastructure for connecting businesses with customers, suppliers and trading partners. Under the infrastructure of the present invention, companies exchange information and services using self-defining, machine-readable documents, such as XML (Extensible Markup Language) based documents, that can be easily understood amongst the partners. ....* ”. In view of Meltzer, it would have been obvious to one of an ordinary skill in the art at the time of the applicant’s invention to have modified Rosen in view of Dworkin in view of Lahey to incorporate the feature of converting the set of design configuration selection and the set of individualized enhancements for said selected product into a file having a format compatible with the needs of the selected vendor and communicating the file to the selected vendor because this allows to support commercial transactions among platforms of different businesses having different architectures, as explicitly disclosed in Meltzer (see col.1, lines 30-35 and col.2, lines 30-54).

**Regarding claim 2,** Rosen discloses that said individualized enhancements include a pictorial image incorporated onto said selected product with an image position determined by the user (see at least col.10, lines 19-42, “.....image manipulation....”).

**Regarding claim 3,** Rosen teaches including a text message incorporated onto said selected product with a text position determined by the user (col.5, lines 19-27, “ ... to customize the merchandize by providing a graphic image and a text message “ and lines 39-43, “ having labels customized with a graphic image and a text message provided by consumer 30 ”. Note: Allowing consumer the merchandize with text message would inherently allow customer to position the text as per his choice).

**Regarding claim 5,** Rosen teaches receiving a search query from the user via said communication network; and presenting to the user via said communication network an assortment of digital image selections retrieved from at least one digital image database in communication with said design interface, wherein said assortment satisfies said search query.

(see at least col.11, lines 34-42, wherein Rosen teaches that the user selects an item from menu to display [corresponds to receiving a search query] and in response a gallery of graphic images is displayed [corresponds to presenting the user with digital image selections as per search query] retrieved from image database 100-see FIG.3).

**Regarding claim 6,** Rosen teaches receiving from said user via said communication network a selected image from said assortment of digital image selections; and

incorporating said selected image into said set of individualized enhancements using said design tool.

(see at least col.11, lines 34-42 and col.12, lines col.12, lines 5-13, "...At step 1310 a graphic image is received. As described above [see at least col.10, lines 19-42], the graphic image may have been cropped.....a text message is received ").

**Regarding claim 9,** Rosen teaches a method for facilitating the creation of personalized products as analyzed and disclosed in claim 1, above.

Rosen does not teach receiving from the user via said communication network a request to save said set of product configurations and said set of individualized enhancements; and storing said set of product configuration selections and said set of individualized enhancements in a location accessible to that user via said communication network.

Lahey, in the same field of endeavor, i.e. customization of print jobs, teaches receiving from the user via said communication network a request to save said set of product configurations and said set of individualized enhancements; and storing said set of product configuration selections and said set of individualized enhancements in a location accessible to that user via said communication network (see at least col.15, lines 47-53. The selection of "Set Default button" for customized search dialog boxes corresponds to receiving a request to save said set of product configurations and said set of individualized enhancements and storing them such that it is s accessible when dialog boxes 190,202 are invoked later.).

In view of Lahey, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen in view of Dworkin in view of Lahey in view of Meltzer as applied to claim 1 to include the feature of receiving from the user via said communication network a request to save said set of product configurations and said set of individualized

enhancements; and storing said set of product configuration selections and said set of individualized enhancements in a location accessible to that user via said communication network. Doing so would make the system efficient and convenient by enabling the users/buyers to display the saved default features of the personalized design components/enhancements to order additional quantity with the same features or to modify some parameters in the default features without having to go through the process of custom designing and enhancing the product from the very beginning.

**Regarding method claims 11-13,** all limitations have been analyzed in claims 1 -2 and 9 above.

**Regarding claim 15,** its limitations are analyzed as in claim 1above.

**Regarding method claims 16-17,** all limitations have been analyzed per claims 5 and 6 above.

**Regarding claim 22,** Rosen in view of Dworkin in view of Lahey and further in view of Meltzer teaches a method for facilitating the creation of personalized products (see above), comprising:

receiving from a user via a communication network a first set of design components created for a first product, said first set of design components corresponding to product configuration options and individualized enhancements( see at least Rosen col.10, lines 42-47. Note: This process is repeated for every product irrespective of the fact whether it is first or second product);

receiving from the user via said communication network an identifier for a second product selected for personalization (see at least Rosen col.10, lines 7-18, “....The order specification WWW page 190 includes a WWW form for selecting the quantity ant type of

customized branded merchandize to be ordered... According to an actual embodiment of the present invention, the consumer may select the type [e.g. orange, strawberry].....". Note: This process is repeated for every product irrespective of the fact whether it is first or second product );

retrieving a set of manufacturing capabilities for the selected product, the set of manufacturing capabilities.....the selected second product (This limitation is already analyzed in claim 1 above in view of Dworkin. This process is repeated for every product irrespective of the fact whether it is first or second product.);

providing to the user a design interface comprising at least one design tool enabling the user to create said design components, wherein said design interface is adapted so that the user may only create design components which comply with said set of manufacturing capabilities and this is applicable irrespective of the fact if it is first or second set of design components;

creating at least one set of individualized enhancements for said selected product using said design interface; and

receiving from the user via said design interface a set of product configuration options and a set of individualized enhancements for said selected product;

selecting a vendor from the two or more vendors-----communicating the file to the selected vendor

(All the above limitations are parallel to the limitations in claim 1 above and are analyzed on the basis of same rationale.).

Rosen does not show modifying said first set of design components and generating a second set of design components derived from said first set of design components.

Lahey, in the same field of endeavor, i.e. customization of print jobs, teaches modifying said first set of design components and generating a second set of design components derived from said first set of design components (see at least col.15, lines 47-62, "...The user may customize the search dialog boxes 190,202 with the default option.....the user saves the present search operators.....When the search dialog is later invoked, those default search operators and values appear.....The user may further customize and modify...when the user selects the Customize button.....". Note: The user saves the parameters/operators for the first product, retrieves them later by pressing default button and then modifies and customizes the operators/parameters by pressing the customize button for a new product which could be second or third product.).

In view of Lahey, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen in view of Dworkin in view of Meltzer to include the feature of modifying said first set of design components and generating a second set of design components derived from said first set of design components because this would enable the users/buyers to display the default design features set for the first product and would not have to go through the process of custom designing and enhancing the subsequent/second or third product from the very beginning but merely modify some of the features required to customize a subsequent product, as explicitly disclosed in Lahey.

**Regarding claims 23, 24, and 26,** their limitations are already analyzed in claims 1, 5, and 9 above.

**Regarding method claim 33,** all limitations are parallel to the limitations of claim 1 and are therefore analyzed on the basis of same rationale.

**Regarding method claims 35-36, all limitations are parallel to the limitations of claims 2-3 and are therefore analyzed on the basis of same rationale.**

**3.2. Claims 7-8 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen/Dworkin/Lahay/Meltzer and further in view of the web pages "americangreetings. com" as available to the public on Internet on November 15, 1999, extracted from <http://www.archive.org> on 8/22/03 ; hereinafter, referred to as Americangreetings.**

**Regarding claim 7, Rosen/Dworkin/Lahay/Meltzer teaches a method for facilitating the creation of personalized products as analyzed and disclosed in claim 1, above. Rosen further discloses receiving a search query from the user via said communication network (see at least Rosen col.11, lines 23-42. Input by the user by selecting an item on the menu to order merchandize or selecting a graphic image on the menu for display corresponds to the search query from the user to the web server). Rosen/Lahay also teaches providing text message to the user via said communication network which can be used by the user to further enhance it or manipulate it as per his personal choice (see at least Rosen FIG.8B, " This is where you can add a paragraph of text....Be creative, go wild, or go with what we have below ....").**

Rosen does not show presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query.

However, Americangreetings in the same field of endeavor of customizing greeting cards on line, discloses presenting to the user an assortment of text message selections retrieved

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from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query (see the box “ Our Greetings” and “Find More Greetings ”. The box “Our Greetings” is a drop down box which presents an assorted list of greetings in alphabetical order starting from Anniversary, Baby, Birthday.....Thanks, Wedding and so on. Americangreetings presents a wide assortment of greetings text to the users in response to their requirements, such as befitting a birthday, anniversary or for a gift, etc. and it would be inherent that these greetings are retrieved from a database.)

In view of Americangreetings”, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen/Dworkin/Lahay/Meltzer to include the feature presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query because this would enable the users/buyers to select and customize their greetings that they would like to post on their selected products for giving them as birthday or anniversary gifts.

**Regarding claim 8,** Rosen teaches receiving from said user via said communication network a selected text message from said assortment of text message selections; and incorporating said selected text message into said set of individualized enhancements using said design tool (see at least Rosen, col.5, lines 18-22 , “...that allow consumer 30 to identify the merchandize they wish to order, to customize the merchandize by providing a graphic image and a text message....”, col.5, lines 41-43, “...WWW server 34 comprises bottles having labels customized with a graphic image and text message provided by consumer 30”, col.9, lines 58-64, “....Additionally, the consumer may also be prompted to provide a text message 186 for inclusion on the customized merchandise ).

**Regarding claims 18-19,** all limitations are covered by the limitations of method claims 7 and 8 and are therefore analyzed and rejected based on the same rationale.

**3.3. Claim 14 is rejected under 35 U.S.C. 103(a) as being obvious over Rosen/Dworkin/Lahay/Meltzer and further in view of Official Notice.**

**Regarding claim 14,** Rosen/Dworkin/Lahay/Meltzer teaches a method for facilitating the creation of personalized products as analyzed and disclosed in claim 11, above. Rosen further discloses incorporating a customized text message (see Rosen, col.5, lines 19-27, “ ...allow consumer 30 to identify the merchandize they wish to order, to customize the merchandize by providing a graphic image and a text message “ and lines 39-43, “ having labels customized with a graphic image and a text message provided by consumer 30 “. Note: Allowing consumer to customize the text message would inherently allow customer to position the text as per his choice). Rosen also teaches image manipulation features such as image rotation, skewing, coloring which are known to those skilled in the art (see Rosen, col.10, lines 37-42).

Rosen does not show explicitly that the user in customization of the merchandise also determines a font, color, size, and orientation of the text message.

Official Notice is taken of both the old and well-known concept and benefits of the features allowing computer users using Microsoft Word to determine the selection of the font, color, size and orientation as per his personal choice. Users can manipulate the size of the fonts to increase to appear big or small, can select a font out of the big list available to them, may use different colors to highlight messages like in red, blue or yellow and orient/rotate the text to

customize as per his individual liking or choice while preparing social content expression cards like birthday and anniversary cards or preparing project reports to be read by others.

In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen/Dworkin/Lahey/Meltzer as applied to claim 11 to include the feature of letting user determine a font, text color, text size, and text orientation because it would enable the customers to personalize the text message and customize the selected product as explained above.

**3.4** Claim 25, is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen/Dworkin/Lahey/Meltzer and further in view of Americangreetings.

**Regarding claim 25,** Rosen/Dworkin/Lahey/Meltzer teaches a method for facilitating the creation of personalized products as analyzed and disclosed in claim 22, above. Rosen further discloses receiving a search query from the user (see at least Rosen, col.11, lines 23-42. Input by the user by selecting an item on the menu to order merchandize or selecting a graphic image on the menu for display corresponds to the search query from the user to the web server). Rosen also teaches providing text message to the user via said communication network which can be used by the user to further enhance it or manipulate it as per his personal choice (see at least Rosen, FIG.8B, “ This is where you can add a paragraph of text.....Be creative, go wild, or go with what we have below ....”).

Rosen does not show presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query.

However, Americangreetings in the same field of endeavor of customizing greeting cards on line, discloses presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query (see the box " Our Greetings" and "Find More Greetings ". The box "Our Greetings" is a drop down box which presents an assorted list of greetings in alphabetical order starting from Anniversary, Baby, Birthday.....Thanks, Wedding and so on. Americangreetings presents a wide assortment of greetings text to the users in response to their requirements, such as befitting a birthday, anniversary or for a gift, etc. and it would be inherent that these greetings are retrieved from a database.)

In view of Americangreetings", it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen/Dworkin/Lahey/Meltzer to include the feature of presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query because this would enable the users/buyers to customize their greetings that they would like to post on their selected products for giving them as birthday or anniversary gifts, as explicitly disclosed in Americangreetings.

**3.5.** Claims 27-30, 32 and 37-41, 45-51 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen in view of Dworkin and further in view of Lahey.

**Regarding claim 27,** all the limitations are covered in claims 1 and 22 and are therefore rejected using the same rationale as being unpatentable over Rosen in view of Dworkin and further in view of Lahey.

**Regarding claims 28, 29, 30, and 32, their limitations are already covered in claims 23, 1, 24, and 26 above respectively and are therefore analyzed and rejected on the same basis .**

**Regarding claim 37,** Rosen discloses a system to allow a user to design personalized products, the system accessible to a user on a user computer via a communication network (see at least abstract, Fig. 1, 2, 3,4, and 5), the system comprising:

a server in communication with said communication network (see at least FIGs.2 & 3 , “WWW Server 34” in communication with a communication network ,“Internet 20” );

a products database in communication with said server, said products database comprising information on an assortment of product selections available for personalization, and further comprising manufacturing capabilities for said product selections (see FIG. 3, “Product database 98”, “Image Database 100”, FIG.4, “Image Processing Applet” are in communication with WWW server 34 and include information on product selections and manufacturing capabilities. Also see Figs. 8A & 9A, “ The measurements shown are the minimum requirements for your artwork to get a quality label”, FIG.8B, “....You have about 50 characters space”, and “ You have as much room as the text shows below. Anything longer will get chopped off after 65 words”, col.9, lines 49-55, “....In an embodiment of the present invention, the consumer may be required to provide a graphic image not exceeding a predetermined size .....”. Note: The display of size restrictions for the image and the space restrictions for the amount of text to be input correspond to retrieving and showing the manufacturing capabilities which restrict the products to be personalized) ;

a personalized product module in communication with said products database, said personalized product module capable of presenting an assortment of product selections to the

user, and said personalized product module further capable of receiving an identifier of a selected product from the user (see at least col.5, line 64-col.6, line 67, ".....The WWW server 34 also includes a processing unit 62.....operating system....mass memory 66 also stores the program code and data for providing a WWW site for creating and ordering customized branded merchandize....WWW server application program 72 comprises .....generate the WWW browser displays shown in FIGS 6-11B.... ". See col.5, lines 19-27, " ...allow consumer 30 to identify the merchandize they wish to order, to customize the merchandize by providing a graphic image and a text message " , and FIG.9B and Col.10, lines 7-18 which show a web page providing an assortment of product selections, such as, different types of flavors., e.g. orange, strawberry).

a set of design tools in communication with said personalized product module that allow the user to select product configuration options and create individualized enhancements, wherein said set of design tools is adaptable to only accept product configuration selections and individualized enhancements which comply with a set of manufacturing capabilities associated with said selected product (see at least col.10, lines 10-42. Note: The WWW page 190 allows selecting product flavors which correspond to a tool selecting product configuration options and the JAVA applet for image manipulation corresponds to the design tool ).

As regards each product being associated with different manufacturing capabilities of one or more vendors capable of producing the product see col.3, line 64-col.4, line 3, " *Those skilled in the art should appreciate that although laser printer 46 comprises a color laser printer in the illustrative embodiment, other types of printers may be used. For instance, special purpose printers may be used to create customized products such as t-shirts, cups, billboards, etc.* ". Note: In order to create customized products other than soda bottle, such as t-shirts, cups and billboards represent

products and their capabilities of one or more vendors because one vendor may be suitable for supplying t-shirts, another for cups and still another for billboards, and so on).

Rosen does not expressly teach that for the same product two or more vendors are capable of producing the product. However, in the same filed of endeavor that is custom selecting a product in an automated electronic commerce system, Dworkin discloses a products database where one or more products are available and associated with manufacturing capabilities of two or more vendors capable of producing the product, see at least Figs 6 & 7, col.5, lines 25-27, col.6, lines 16-col.8, line 15, which disclose that for a product, such as printer [printer is a mere example and instead of a printer the system is applicable for any other product another product to be purchased by a potential customer as per his personal choice from the plurality of products available from two or more vendors] the product database includes two or more vendors having manufacturing capabilities to produce a printer. In view of Dworkin, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen to include the feature such that a products database includes information about one or more products and which are associated with manufacturing capabilities of two or more vendors capable of producing the product. Doing so would enable the users/buyers in Rosen to have more choices and enable them to custom select as per individual preferences the desired product, such as different brands of soda bottles being manufacturer by different manufacturers with different flavors from the available plurality of choices, as shown in Dworkin with the example of selecting a printer.

Rosen in view of Dworkin does not disclose a design buffer in communication with said set of design tools, said design buffer capable of containing product configuration options and individualized enhancements generated by the user via said set of design tools during a current design session.

Lahey, in the same field of endeavor, i.e. customization of print jobs, disclose a design buffer in communication with said set of design tools, said design buffer capable of containing product configuration options and individualized enhancements generated by the user via said set of design tools during a current design session.

(see at least col.15, lines 47-53. The selection of "Set Default button" to save and store the customized search dialog boxes and invoking the dialog boxes 190, 202 to view the default search operators and values correspond to the design buffer in the application). .

In view of Lahey, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen/Dworkin to include the feature of design buffer in communication with said set of design tools, said design buffer capable of containing product configuration options and individualized enhancements generated by the user via said set of design tools during a current design session. Doing so would make the system efficient and convenient by enabling the users/buyers to display the saved default features of the personalized design components/enhancements to order additional quantity with the same features or to modify some parameters in the default features for ordering subsequent products without having to go through the process of custom designing and enhancing the product from the very beginning.

**Regarding claims 38-41, Rosen/Dworkin/Lahey discloses:**

a product browse tool in communication with said products database, wherein said product browse tool enables a user to browse said assortment of product selections of said products database .

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a product search tool in communication with said products database, wherein said product search tool enables a user to search said assortment of product selections of said products database for products associated with a search query.

an image browse tool in communication with said image databases, wherein said image browse tool enables a user to browse said assortment of digital image selections of said image databases.

an image search tool in communication with said image databases, wherein said image search tool enables a user to search said assortment of digital image selections of said image databases for images associated with a search query.

(col.4, line 62-col.5, line 63, "...once connected to the Internet 20, a client computer 32 may utilize a WWW browser application program to view and interact with WWW site....to customize the merchandise by providing a graphic image.....". Note: The browser application program is capable to browse and select products and images).

**Regarding claim 45,** Rosen/Dworkin/Lahey teaches all the limitations of claim 37 as analyzed above. Rosen/Dworkin/Lahey as applied to claim 37 further teaches:

a template database in communication with said set of design tools, said template database comprising default sets of design components for each product of said product database; and

a template module in communication with said template database that generates a default set of design components for a particular product selected by the user for presentation to the user at the beginning of the design process

(see at least Lahey, col.15, lines 47-62. BY selecting the "Set Default button" the parameters are saved and stored as "Default parameters" to be invoked later to display them to

the user or to be used to modify and generate a new default parameters. The storage of default parameters corresponds to a template database and selecting “set Default button” to generate default parameters correspond to a template module.).

**Regarding claims 46-48, 50-51, and 55, their limitations are covered by the limitations of claims 37-41, and 45 and are therefore analyzed and rejected as unpatentable over Rosen/Dworkin/Lahey.**

**Regarding claim 49,** Rosen/Dworkin/Lahey teaches all the limitations of claim 46 as analyzed above. Rosen/Dworkin/Lahey also discloses:

at least one image database in communication with said second module, said image databases comprising an assortment of digital image selections ( see at least Rosen, FIG.3, “..Image Database 100”, col.6, lines 59-61, col.11, lines 10-11, “ Viewing a gallery of images supplied by other users “. Note: The image database is in communication with the WWW page 190 and image manipulation applet r(see at least Rosen, col.10, lines 10-47) and WWW page 190 and image manipulation applet correspond to the second module).

**3.6.** Claims 31, 42-43 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen/Dworkin/Lahey and further in view of Americangreetings.

**Regarding claim 31,** Rosen/Dworkin/Lahey teaches all the limitations of claim 27 as analyzed above. The limitations recited in claim 31 are already covered in claim 25 and are analyzed and rejected as obvious over Rosen/Dworkin/Lahey and further in view of Americangreetings on the basis of same rationale.

**Regarding claims 42 and 43,** Rosen/Dworkin/Lahey teaches a system to allow to design personalized products as disclosed and analyzed in claim 37 above. Rosen/Lahey further discloses a client computer 32 utilizing a WWW browser application program which enables the users to view, browse, search at WWW sites provided by WWW server 34, all databases, like product database 98, image database 100, customer database 96, etc. connected with the WWW server and to retrieve application programs from the WWW server for execution in the client computer (see Rosen, col.4, line 59-col.5, line 63). The client computer 32 utilizing a WWW browser application program is also capable to browse and search a message database if it is available at the Web site.

Rosen/Dworkin/Lahey does not show a message database in communication with said set of design tools, said message database comprising an assortment of text message selections and presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query.

However, Americangreetings in the same field of endeavor of customizing greeting cards on line, discloses a message database in communication with said set of design tools, said message database comprising an assortment of text message selections and presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query (see the box " Our Greetings" and "Find More Greetings ". The box "Our Greetings" is a drop down box which presents an assorted list of greetings in alphabetical order starting from Anniversary, Baby, Birthday.....Thanks, Wedding and so on. Americangreetings presents a wide assortment of greetings text to the users in response to their requirements,

such as befitting a birthday, anniversary or for a gift, etc. and it would be inherent that these greetings are retrieved from a database.)

In view of Americangreetings", it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen/Dworkin/Lahey to include a message database in communication with said set of design tools, said message database comprising an assortment of text message selections and presenting to the user an assortment of text message selections retrieved from at least one text message database in communication with said design interface, wherein said assortment satisfies said search query. Doing so would enable the users/buyers to customize their greetings that they would like to post on their selected products for giving them as birthday or anniversary gifts, as explicitly disclosed in Americangreetings.

**Regarding claims 52-53,** Rosen/Dworkin/Lahey teaches all the limitations of claim 46 as analyzed above. The limitations recited in claims 52-53 are covered by the claims 42-43 and are analyzed and rejected as obvious over Rosen/Dworkin/Lahey and further in view of Americangreetings on the basis of same rationale.

**3.7.** Claims 44 and 54 are rejected under 35 U.S.C. 103(a) as being obvious over Rosen/Dworkin/Lahey and further in view of Official Notice.

**Regarding claim 44,** Rosen/Dworkin/Lahey teaches a system to allow a user to design personalized products as disclosed and analyzed in claim 37 above. Rosen further discloses : a personal database in communication with said set of design tools, said personal database being accessible only by a particular customer;

an upload tool in communication with said personal database, said upload tool configured so as to allow the particular user to upload design information from said personal database into said design buffer

(see at least Rosen, Fig.8 A, ". To upload your photo or artwork, click on the browser button and find the graphic file on your personal computer ", and col.9, lines 37-55). Note: The files stored in the personal computer corresponds to storing the photo or artwork files in a personal database which could only be accessed by the particular customer and those files can be accessed by the browser which interacts with the WWW server 34 and applet for manipulation of images as analyzed in claims 38-41 above);

a save tool (already covered in claim 37 above where a save tool saves and stores design information generated via design tools as default parameters to be invoked later).

Rosen does not show that said save tool is configured to allow the particular user to save design information from said design buffer into said personal database.

Official Notice is taken of the old and well known concept and benefits of saving information into said personal database for to retrieve later and use them again. In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Rosen/Dworkin/Lahay as applied to claim 37 to incorporate the feature of saving design information from said design buffer into said personal database because it would allow the users to retrieve the saved information later to order additional quantity with the same features or to modify some parameters in the default features for ordering subsequent products without having to go through the process of custom designing and enhancing the product from the very beginning.

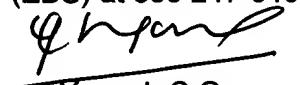
**Regarding claim 54,** its limitations are covered by the limitations of claim 44 and is therefore analyzed and rejected as unpatentable over Rosen/Dworkin/Lahay.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Yogesh C Garg  
Primary Examiner  
Art Unit 3625

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11/3/05